

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Application No. | 10/789,435 | Confirmation No.: 5695 |
| Applicant(s): | Adrian Buckley | |
| Filed: | February 27, 2004 | |
| Group Art Unit: | 2617 | |
| Examiner: | Sam Bhattacharya | |
| Title: | Method and System For Wireless Channel Selection by a Mobile Device | |
| Docket No.: | 1578.702 (11609-US-PAT) | |
| Customer No.: | 44208 | |

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION PURSUANT TO 37 C.F.R. 5.25 FOR RETROACTIVE LICENSE

Dear Sir:

Petition is hereby made for grant of a retroactive license under 35 U.S.C. 184 relating to the above-captioned patent application.

The patent application was filed with the USPTO on February 17, 2006. On the same date, an unlicensed patent application containing substantially identical material was filed with the European Patent Office.

A verified statement of Robert H. Kelly, the undersigned practitioner and attorney of record, is enclosed under separate title.

The verified statement includes averments that the subject matter in question was not under a secrecy order at the time it was filed abroad and that it is not currently under a secrecy order.

The verified statements further include averments that the proscribed foreign filing was discovered during preparation of a Response to an Office Action, and this petition is submitted as of the date noted below. Therefore, the requested retroactive license is believed to be diligently sought.

The verified statements still further aver that the material was filed abroad through error and without deceptive intent.

The Commissioner is hereby authorized to debit the deposit account for all fees, including the petition fee required in 37 C.F.R. 1.17 (g), pursuant to this petition.

Consideration, and grant, of this petition is respectfully requested.

Respectfully submitted,

Dated: 10 April 08


Robert H. Kelly
Reg. No. 33,922

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